

REMARKS

The Applicant has carefully reviewed the Office Action mailed March 11, 2008 and offers the following remarks to accompany the above amendment.

Claim 35 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Patent Office opined that the term “tangible computer readable media” was allegedly not described in the Specification. The Applicant respectfully disagrees. In particular, Figure 6 of the originally filed Specification discloses software 28 associated with a control system 24.¹ Furthermore, paragraph [0031] of the originally filed Specification discloses that the software 28 shown in Figure 6 facilitates the functionality described in the Specification.² Thus, the term tangible computer readable media is described in the Specification and the Applicant requests that the rejection be withdrawn.

Claims 1, 18, and 35 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Patent Office opined that it is unclear who is an authorized user. The Applicant has amended claims 1, 18, and 35 as noted above and submits that, as amended, claims 1, 18, and 35 overcome the rejection and request that the rejection be withdrawn. The Applicant wishes to point out that the amendment has not been made to overcome the prior art. Instead, the amendment was made only to address the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-5, 10-22, and 27-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,534 B2 to *Lindgren et al.* (hereinafter “*Lindgren*”). The Applicant respectfully traverses the rejection. According to Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. § 102, “the reference must teach every element of the claim.” The Applicant submits that *Lindgren* does not teach every element recited in claims 1-5, 10-22, and 27-35. More specifically, claim 1 recites a method for controlling access to emergency services comprising, among other features, “determining select call setup requests from the call setup requests, the select call setup requests being received from users who are authorized to initiate a call for emergency services.” Claims 18 and 35 include similar features. The Applicant submits that *Lindgren* does not disclose, or even suggest, selecting call setup requests

¹ See Figure 6.

² See Specification, paragraph [0031].

from a group of call setup requests, where the call setup requests that are selected from the group of call setup requests are those that are received from users who are authorized to initiate a call for emergency services. The Patent Office supports the rejection by stating that *Lindgren* discloses this feature in col. 3, ll. 6-16 and in col. 5, ll. 12-22.³ The Applicant respectfully disagrees. The cited portion of *Lindgren* discloses that a GGSN determines the identity of a local geographical VoIP server that should receive call control signals from a mobile terminal.⁴ However, nowhere does the cited portion disclose, or even suggest, selecting call setup requests from a group of call setup requests, where the call setup requests that are selected are those that are received from users who are authorized to initiate a call for emergency services. Moreover, the Applicant has reviewed the remaining portions of the cited reference and submits that nowhere does *Lindgren* disclose this feature. At the very most, *Lindgren* discloses receiving a call for emergency services.⁵

Claim 1 also recites “forwarding the select call setup requests toward at least one terminating device associated with the emergency services.” Claims 18 and 35 include similar features. The Applicant submits that *Lindgren* does not disclose, or even suggest, forwarding selected call setup requests toward a terminating device associated with emergency services. As detailed above, *Lindgren* does not disclose selecting call setup requests as recited in the claims. Accordingly, it follows that *Lindgren* cannot disclose forwarding call setup requests, which have been selected from a group of call setup requests, toward a terminating device associated with emergency services. For this reason and the reasons noted above, claims 1, 18, and 35 are patentable over *Lindgren* and the Applicant requests that the rejection be withdrawn. Similarly, claims 3, 5, 14, 16, 20, 22, 31, and 33, which depend from claims 1 and 18, respectively, are patentable for at least the same reasons along with the novel features recited therein.

Claim 2, which depends from claim 1, recites that “ones of the call setup requests that are not the select call setup requests are not forwarded toward the at least one terminating device.” Claim 19, which depends from claim 18, includes similar features. The Applicant submits that *Lindgren* does not disclose that ones of the call setup requests that are not the selected call setup requests are not forwarded toward a terminating device. The Patent Office supports the rejection

³ See Office Action mailed March 11, 2008, page 3.

⁴ See *Lindgren*, col. 3, ll. 7-10.

⁵ See *Lindgren*, col. 2, ll. 36-41.

by stating that *Lindgren* discloses this feature in col. 4, ll. 18-21.⁶ The Applicant respectfully disagrees. At most, the cited portion discloses that when a mobile station does not include a SIM card, a call may not be initiated.⁷ However, the cited portion of *Lindgren* makes no mention of call setup requests that are not selected. In addition, the cited portion of *Lindgren* fails to disclose that call setup requests that are not selected are not forwarded toward a terminating device. Thus, in addition to the reasons noted above with reference to claims 1 and 18, claims 2 and 19 are patentable over *Lindgren* and the Applicant requests that the rejection be withdrawn.

Claim 4, which ultimately depends from claim 1, recites that “emergency information is provided in an emergency header field of the select call setup requests.” Claim 21, which ultimately depends from claim 18, includes similar features. The Applicant submits that *Lindgren* does not disclose that emergency information is provided in an emergency header field of selected call setup requests. In maintaining the rejection, the Patent Office states that *Lindgren* discloses this feature in col. 3, ll. 30-51.⁸ The Applicant respectfully disagrees. At most, the cited portion of *Lindgren* discloses that a mobile terminal places the IP address of a call server in a “destination address” IP packet header.⁹ However, *Lindgren* does not disclose that emergency information is provided in an emergency header field of the select call setup requests. In fact, *Lindgren* make no mention whatsoever of an emergency header field, much less providing information in an emergency header field. As such, claims 4 and 21 are patentable for at least this reason along with the reasons set forth above with reference to claims 1 and 18 and the Applicant requests that the rejection be withdrawn.

Claim 10, which depends from claim 1, recites “sending the select call setup requests to a proxy for the at least one terminating device.” Claim 27, which depends from claim 18, includes similar features. The Applicant submits that *Lindgren* does not disclose sending selected call setup requests to a proxy for a terminating device. As discussed above, *Lindgren* mentions nothing about selected call setup requests, much less sending them to a terminating device. Thus, *Lindgren* cannot disclose sending selected call setup requests to a proxy of a terminating device. For at least this reason and the reasons noted above with reference to claims 1 and 18,

⁶ See Office Action March 11, 2008, page 3.

⁷ See *Lindgren*, col. 4, ll. 20-22.

⁸ See Office Action March 11, 2008, page 3.

⁹ See *Lindgren*, col. 3, ll. 33-37.

claims 10 and 27 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claim 11, which depends from claim 1, recites that “select call setup requests are forwarded toward the at least one terminating device over the packet network.” Claim 15, which also depends from claim 1, and claims 28 and 32, which depend from claim 18, include similar features. The Applicant submits that *Lindgren* does not disclose that select call setup requests are forwarded toward a terminating device over a packet network. As previously mentioned, *Lindgren* does not disclose or suggest selecting call setup requests as recited in the claims. Accordingly, *Lindgren* cannot disclose or suggest that selected call setup requests are forwarded toward a terminating device, nor that the selected call setup requests are forwarded toward a terminating device over a packet network. In addition to the reasons noted above with reference to claims 1 and 18, claims 11, 15, 28, and 32 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claim 12, which depends from claim 1, recites that “select call setup requests are forwarded toward the at least one terminating device over a circuit-switched network.” Claim 29, which depends from claim 18, includes similar features. The Applicant submits that *Lindgren* does not disclose that selected call setup requests are forwarded toward a terminating device over a circuit-switched network. As outlined above, *Lindgren* does not disclose forwarding selected call setup requests toward a terminating device. Thus, it follows that *Lindgren* cannot disclose that selected call setup requests are forwarded toward a terminating device over a circuit-switched network. In addition to the reasons noted above with reference to claims 1 and 18, claims 12 and 29 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claim 13, which ultimately depends from claim 1, recites that “the select call setup requests forwarded toward the at least one terminating device over the circuit-switched network are initial address messages.” Claim 30, which depends from claim 18, includes similar features. The Applicant submits that *Lindgren* does not disclose that selected call setup requests forwarded toward a terminating device over a circuit-switched network are initial address messages. As detailed above, *Lindgren* does not disclose selecting call setup requests toward a terminating device over a circuit-switched network. Thus, it follows that *Lindgren* cannot disclose that selected call setup requests forwarded toward a terminating device over a circuit-

switched network are initial address messages. For this reason and the reasons noted above with respect to claims 1 and 18, claims 13 and 30 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claim 17, which depends from claim 15, recites that the “select call setup requests forwarded toward the at least one terminating device are session initiation protocol INVITE messages.” Claim 34, which depends from claim 32, includes similar features. The Applicant submits that *Lindgren* does not disclose that selected call setup requests forwarded toward a terminating device are session initiation protocol INVITE messages. As detailed above, *Lindgren* does not disclose forwarding selected call setup requests toward a terminating device. Thus, *Lindgren* cannot disclose that select call setup requests forwarded toward a terminating device are session initiation protocol INVITE messages. For this reason and the reasons noted above with respect to claims 1 and 18, claims 17 and 34 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claims 6, 9, 23, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lindgren* in view of U.S. Patent No. 6,370,234 B1 to *Kroll* (hereinafter “*Kroll*”). The Applicant respectfully traverses the rejection. According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Lindgren* nor *Kroll*, either alone or in combination, discloses or suggests all the features recited in claims 6, 9, 23, and 26. As detailed above, claims 1 and 18, the base claims from which claims 6, 9, 23, and 26 variously depend, are patentable over *Lindgren*. Moreover, *Kroll* does not address the previously noted problems of *Lindgren*. Therefore, claims 6, 9, 23, and 26 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 7, 8, 24, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lindgren* in view of U.S. Patent Application Publication No. 2007/0121590 A1 to *Turner et al.* (hereinafter “*Turner*”). The Applicant respectfully traverses the rejection. Regarding claims 8 and 25, as shown above, claims 1 and 18, the base claims from which claims 8 and 25 depend are patentable over *Lindgren*. Furthermore, *Turner* does not overcome the previously discussed shortcomings of *Lindgren*. As such, claims 8 and 25 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claim 7 recites that “the select call setup requests are sent toward the at least one terminating device when the at least one terminating device is in an overload condition.” Claim 24, which depends from claim 18, includes similar features. The Applicant submits that neither *Lindgren* nor *Turner*, either alone or in combination, discloses or suggests that selected call setup requests are sent toward a terminating device when the terminating device is in an overload condition. As detailed above, *Lindgren* does not disclose, or even suggest forwarding selected call setup requests toward a terminating device. Likewise, *Turner* does not disclose this feature. Thus, it follows that neither reference, either alone or in combination, can disclose or suggest that selected call setup requests are sent toward a terminating device when the terminating device is in an overload condition. For at least this reason, claims 7 and 24 are patentable over *Lindgren* and *Turner* and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
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